

**PLANNING COMMISSION MINUTES OF JUNE 26, 2006**

**2006-0496 – Standard Pacific Homes [Applicant] Berg & Berg Developers LP [Owners]:** Application for related proposals on a 2.3 acre site located at **1170 Morse Avenue** (near Tasman Dr.) in an M-S/ITR/R-3 (Industrial & Service/ Industrial to Residential/ Medium Density Residential) Zoning District. (APN: 110-14-098) KD;

- **Special Development Permit** to allow 48 condominiums, and
- **Tentative Map** to subdivide one lot into 13 lots for condominium purposes.

**Kelly Diekmann**, Associate Planner, presented the staff report. He provided corrections to the report including page 9, regarding open space and said the reference to the balconies ranging from 220-270 square feet in size is incorrect. He said one of the plans, Plan H shown on Attachment C, page 13 has balconies that are 90 square feet and qualify as useable open space. He said the useable open space calculation overall is correct as shown on page 4 of the report. Mr. Diekmann referred to Condition of Approval (COA) 5.C and said to delete the reference to “24-feet” and that the remainder of the COA is correct. He referred to COA 11 and said staff would like to add a COA 11.F that the applicant review opportunities to provide a two-foot turnout notch at the end of the drive aisles to allow for easier maneuvering of cars. Mr. Diekmann said the applicant has revised some of the plans to address concerns expressed at the study session. He said the applicant is altering the elevation of the Italian building to have a stone veneer added to the building, referring to Attachment C, page 5, Option 2. He said the second major change the applicant has provided is to the tree shading plan. He said that certain areas of the site are considered parking lots and drive aisles and must meet shading requirements. He said the private driveways are not parking lots and do not have to meet the shading standard. He said the applicant has eliminated two parking spaces in the parking lot and eliminated the sidewalk along the north side of the private street so larger trees can be planted along that area. Staff supports these changes to the tree shading plan. Mr. Diekmann said staff is making one other recommendation to the site plan referring to COA 5.C. He said the proposed distance between buildings is more than is required and staff is recommending the space between the buildings be reduced by four to six feet to allow more open space. He said one of the issues brought up at the study session was the relationship of this site to surrounding sites. He said comparing the proposed development to the neighboring sites that the building lines are roughly in line with each other and the footprint of this development in relation to the sidewalk is a little closer than one neighboring site and a little further than the other neighboring site.

**Comm. Simons** asked for clarification about staff’s suggestion to add a new COA 11.F, “to provide a two-foot turnout notch at the end of the drive aisles to

allow for easier maneuvering of cars.” He asked if this addition of COA 11.F was connected to the additional open space that staff would like to see added. Mr. Diekmann said the two issues are separate and that COA 5.C is related to the additional open space. Staff and Comm. Simons discussed possible uses of the additional open space, the zoning code for frontage setbacks, the average setbacks for this area, and that the frontage setback for the proposed development is 17 feet. **Trudi Ryan**, Planning Officer, said the zoning code average for front setbacks for this area is 20 feet, but the property to south of this site has 15-foot setbacks and the property to north averages 19-foot setbacks.

**Comm. Babcock** said in one of the Planning Commission study sessions there was discussion of the lack of space in the driveway areas making it difficult for cars to maneuver. She asked if developers have responded to this concern. Mr. Diekmann said the applicant has not indicated that they would object to expanding the driveway areas, and said the applicant may be able to address this question. Comm. Babcock said the COAs designate the type of street trees to be added and asked if listing the tree type is a new process. Mr. Diekmann said sometimes the City Arborist identifies in advance what type of street tree is to be used and if staff is aware of the tree type then this information is indicated in the report.

**Comm. Sulser** asked staff for clarification on the applicant’s change to the plans since the study session in regards to the reduction of two parking spaces and the elimination of a walkway mentioned by Mr. Diekmann. Mr. Diekmann indicated on the wall map that the walkway to be eliminated is along the north side of the private street. Comm. Sulser said this is the first project the Planning Commission has had since the new standards regarding height and lot size for townhomes were implemented. He confirmed with staff that these standards do not apply to this development because the development is a mixture of townhomes and flats. Ms. Ryan said that the Planning Commission can still consider a deviation from code and explained the definition of a townhouse that the units are independent and separated by vertical walls, and there are three or more units in a building of that style of unit. She said this development does not technically meet the definition of townhome, but it is still ownership housing. Comm. Sulser asked staff about the “sense of place improvement” and what that entails. Mr. Diekmann explained that on July 18, 2006 a report is being presented to City Council that is a design concept for approximately seven locations identified in the general location of Fair Oaks/Tasman/Morse/Weddell area that were designated in the adopted Pedestrian and Bicycle plan from 2004. Mr. Diekmann explained that these areas would serve as a combination of a gateway marker for the neighborhood and would be places where transit information would be located. He further indicated some of the types of design and materials being proposed. Comm. Sulser asked about building height math and referred to COA 1.E.b and which indicates, “the maximum height of 3 stories is 42.5 feet as measured from the top of the curb.” Comm. Sulser said it is his understanding that this height is for the architectural element and said that the

municipal code indicates that a building can have up to 25% more in height for architectural projections. Mr. Diekmann confirmed that there is an exception in the code for architectural projection. Mr. Diekmann said that in this case staff was identifying the maximum height of the tower even though it is not living space. Staff confirmed that the overall height is 37 feet 9 inches. Ms. Ryan said that the tower feature is within the 25 feet and the main roof area would be in excess of the 30 feet.

**Comm. Klein** further asked about the height of the building being 42.5 feet for the tower which is a deviation for this plan. He asked if the raising of the site out of the flood plain is it being added to the height. Mr. Diekmann referred to Attachment C, page 5 and explained that the measuring of the height of the building is from the curb to the top of the roof and would include the change in grade. **Ms. Ryan called attention to COA 1.E.b and offered to reword the COA to read "Maximum height of three stories and 38 feet and up to 42.5 feet for the tower element."**

**Chair Hungerford** said one of the conditions suggests a turn around area and asked staff to indicate where the area would be. Mr. Diekmann indicated on the wall map several areas that could be considered to be possible vehicle turn around areas. Chair Hungerford and staff further discussed the difficulties and possible options of alleviating some of the problems maneuvering vehicles in this development.

#### **Chair Hungerford opened the public hearing.**

**Bruce Brennon**, with Standard Pacific Homes, said he appreciates staff's assistance and the input from the study session. He said the process has been relatively painless. He said he feels that they have a project that works for everyone. He said from the input at the study sessions they have made a few changes which have improved the project. He said their architect and engineer are also present this evening to answer questions.

**Harriet Rowe**, citizen of Sunnyvale, referred to COA 4.H.9 and COA 6 regarding air conditioning units and said that one COA says air conditioning units are prohibited and the other says air conditioning units must be screened. She said these two conditions conflict with each other. Ms. Rowe also referred to COA 11.C regarding garages and asked if there was anything to prohibit people from using the garage for storage. Ms. Rowe referred to COA 11. E and asked for clarification about motor home parking. She asked for clarification of what "passive use" of the open space means, as indicated in the report, and for more information about the picnic area expressing that she would like to see an area where 40 or 50 people could gather. She said this development is not required to have a Community Room, but with 48 units she would like to see some area for larger groups to gather.

**Vice Chair Fussell** asked staff to address Ms. Rowe's question about the air conditioning units. Staff said the two COAs are different issues and that staff would provided additional wording to the COAs to better distinguish between the two COAs.

**Mr. Brennon** said that the units would have air conditioning as standard equipment and window air conditioners would not be allowed on the project. He said that there would be no motor home parking of any size allowed on the site and that the applicant would work with staff on finalizing the use of the open space area. He said regarding the tandem parking spaces, that they only could count one parking space towards the requirement so they require that the garages be left available for parking. He referred to the narrowing of the areas between the buildings with respect to the drive aisles and said if they use straight drive aisles they would be able to gain additional area for the open space. He said he thinks this will be a great addition to the neighborhood and to the City.

**Chair Hungerford** closed the public hearing.

**Ms. Ryan** provided modification to the wording of COA 6.B that "Window air conditioning units shall not be permitted except as permitted under COA 4.H.9."

**Comm. Sulser** moved for Alternative 2 to approve the Special Development Permit and Tentative Map with modified conditions. He said his intention is to approve the modified plan presented by staff at the beginning of this public hearing, which addresses the tree shading problems. **He also said COA 1.E.b is to be modified to read "Maximum height of three stories and 38 feet and up to 42.5 feet for the tower element."** He said the COA 6.B would be modified as specified by staff that "Window air conditioning units shall not be permitted except as permitted under COA 4.H.9." He said COA 5.C would be modified, eliminating the wording "24-foot." He said there would be an addition of COA 11.F that the applicant review opportunities to provide a two-foot turnout notch at the end of the drive aisles to allow for easier maneuvering of cars, as staff recommended. **Comm. Simons** seconded and offered a Friendly Amendment to tighten up the language on COA 8.B by removing the wording "The Director of Community Development at his sole discretion may grant a deviation of 5%" as this wording will not be needed. Comm. Simons offered a Friendly Amendment regarding the tightening up of space between buildings allowing additional open space stating that some of the additional open space would be added to the frontage on Morse Avenue to reduce the setback deviation. Comm. Sulser accepted the Friendly Amendment. Staff confirmed with Comm. Simons that any additional open space acquired by tightening up the space would first be applied to obtaining the 20-foot setback on Morse Avenue and if there is anything left, that the additional space would be added to other open space areas. **Comm. Simons** offered a Friendly Amendment to add a new COA 8.R that "Of the

**new trees installed, all shall be large species native trees as appropriate for their placement on the site.” This was acceptable to the maker of the motion.**

**Comm. Babcock** asked Comm. Simons for clarification of his Friendly Amendment regarding using additional open space for the frontage on Morse Avenue to reduce the setback deviation. The Commissioners and staff discussed the issue, including the neighboring sites’ front setbacks, height, and possible deviation on the setback. Comm. Babcock said, for quality of life, she feels it is more important to have the additional space in the useable open space area rather than on the frontage of Morse Avenue. After discussion, Comm. Simons and Comm. Sulser agreed to remove the Friendly Amendment regarding the frontage on Morse Avenue that was previously accepted.

**Comm. Sulser** said the Planning Commission has seen this neighborhood a lot in the last few years. He said this neighborhood has a variety of architectural styles and he sees this development continuing to add to the nice mixture of architecture.

**Comm. Simons** said though he seconded the motion, he will no longer be supporting the motion. He said because the Planning Commission has approved something in the past does not mean that the approval has added value to the City. He said by consistently allowing front setback deviations, the buildings are being pushed out to the street and that the landscaping and look appear to be of lesser quality. He said, with lesser setbacks, it limits the ability to add significant trees that add value to the community.

**Comm. Klein** said he would be supporting the motion. He said he agrees with Comm. Simons on the issue of setbacks. He said that he feels that this site varies in setbacks from the neighboring sites and the motion for the front setback deviation is an average setback of the neighboring sites. He said he agrees that if every building was the same distance along the street it would be a definite visual issue, but he feels there is enough variation to provide some visual differences. He said he feels this is a fitting project for the community.

**Chair Hungerford** said he would be supporting the motion. He said his concern is the configuration of the project and being awkward for drivers where the only way to exit sometimes is to back out. He said he would like to request for this type of project that the streets be designed in a “U – shape” to allow easier entrance and exit. He said he realizes that this particular site would be difficult to provide a U-shaped street. He said overall he feels this is a good project.

**ACTION:** Comm. Sulser made a motion on 2006-0496 to approve the Special Development Permit and Tentative Map with modified conditions: to modify Condition of Approval (COA) 1.E.b to read "Maximum height of three stories and 38 feet and up to 42.5 feet for the tower element"; to modify COA 6.B that the "Window air conditioning units shall not be permitted except as permitted under COA 4.H.9"; to modify COA 5.C eliminating the wording "24-foot"; to add COA 11.F that the applicant review opportunities to provide a two-foot turnout notch at the end of the drive aisles to allow for easier maneuvering of cars; to modify COA 8.B by removing the wording "The Director of Community Development at his sole discretion may grant a deviation of 5%"; and to add a new COA 8.R that "Of the new trees installed, all shall be large species native trees as appropriate for their placement on the site." Comm. Simons seconded. Motion carried unanimously, 5-1, Comm. Simons dissenting.

**APPEAL OPTIONS:** This item is appealable to City Council no later than July 11, 2006.